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09/841,168	04/24/2001	John C. Droge	230074-0236	4113

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Irvin C. Harrington, III
FOLEY & LARDNER
2029 Century Park East
Los Angeles, CA 90067-3000

EXAMINER

LEMMA, SAMSON B

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/841,168	DROGE, JOHN C.	
	Examiner	Art Unit	
	Samson B Lemma	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/24/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims **1-55** have been examined.

Specification

2. The disclosure is objected to because of the following informalities:

- On page 4, line 8 of the disclosure the word, "includea", there should be a space between the word "include" and the letter "a".
- On page 4, line 14 of the disclosure the sentence, "the second interface device may a network connection utilizing"

There is a word missing between the word "may" and the letter "a"

- On page 8, lines 13-14 of the disclosure the sentence, "Alternatively, the data encryption device may be independent of the fourth modem 34" should have been "Alternatively, the data decryption device may be independent of the fourth modem 34"

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. **Claim 1,4,11,14,17,19,27 and 36** is rejected under 35 U.S.C. 102(e) as being anticipated by Markandey et al. (hereinafter referred to as Markandey) (U.S. Publication No. 2002/0101989 A1).

5. **As per claim 1** Markandey discloses a method for securely transmitting data comprising:

- Obtaining data on a computer system for transmission; (figure 7, reference "DVD")
- Encrypting the data a first time such that the data is once encrypted; (figure 7, reference "SCRAMBLED DATA" Shown at the "Transmitter")
- Packetizing the once encrypted data; (Figure 7, reference "1394 DATA PACKING")
- Encrypting the packetized, once encrypted data a second time such that the data is twice encrypted and transmitting the packetized, twice encrypted data. (Figure 7, reference "ENCRYPT")

6. **As per claim 14**, Markandey discloses a method for securely receiving data comprising:

- Receiving packetized, twice encrypted data; (Figure 7, reference "RECEIVER")
- Decrypting the packetized, twice encrypted data a first time such that the packetized data is once decrypted; (figure 7, reference "DECRYPT")

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- Reconstructing the packetized, once decrypted data; (Figure 7, reference "1394 DATA UNPACK")
- Decrypting the reconstructed, once decrypted data a second time. (Figure 7, reference "DESCRAMBLE")

7. **As per claim 27 and 36, Kubota discloses** a method for securely transmitting and receiving data comprising:

- Obtaining data on a first computer system for transmission; (Figure 7, reference "DVD")
- Encrypting the data a first time such that the data is once encrypted; (Figure 7, reference "SCRAMBLED DATA" shown at the "TRANSMITTER")
- Transmitting the once encrypted data from the first computer system to a first interface device; (Figure 7, reference "SCRAMBLED DATA" and "DIGITAL DATA LAYER" shown at the Transmitter) (As shown on figure 7, the "DVD" is first scrambled or encrypted and sent to the device or to the device shown on figure 7 as "DIGITAL DATA LAYER" on the transmitter side which is interpreted by the office as "the first interface device")
- Receiving the once encrypted data at the first interface device; (Figure 7, reference "DIGITAL DATA LAYER OF DPS") (the once encrypted or scrambled data is received at "the digital data layer" which is interpreted by the office as the first interface.)
- Packetizing the once encrypted data; (Figure 7, reference "1394 DATA PACKING")

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- Encrypting the packetized, once encrypted data a second time such that the data is twice encrypted; (Figure 7, reference "ENCRYPT") and
- Transmitting the packetized, twice encrypted data from the first interface device to a second interface device; (Figure 7, reference "RECEIVER, "DIGITAL DATA LAYER OF DPS") (The twice encrypted data is transmitted from the "Transmitter" in particular from the "first digital data layer" which is interpreted by the office as the "first interface" to the "RECEIVER" in particular to the "DIGITAL DATA LAYER OF THE RECEIVER" which is interpreted by the office as the second interface device)
- Receiving packetized, twice encrypted data at the second interface device; (Figure 7, reference "RECEIVER, "DIGITAL DATA LAYER OF DPS") (The twice encrypted data is transmitted from the "Transmitter" in particular from the "first digital data layer" which is interpreted by the office as the "first interface" to the "RECEIVER" in particular to the "DIGITAL DATA LAYER OF THE RECEIVER" which is interpreted by the office as the second interface device)
- Decrypting the packetized, twice encrypted data a first time such that the packetized data is once decrypted (Figure 7, reference "DECRYPT")
- Reconstructing the packetized, once decrypted data; (Figure 7, reference "1394 DATA UNPACK")
- Transmitting the reconstructed, once decrypted data from the second interface device to a second computer system; (figure 7, reference "SCRAMBLED DATA" shown at the Receiver)

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- Receiving the reconstructed, once decrypted data at the second computer system; (figure 2, ref. Num "17") and decrypting the reconstructed, once decrypted data a second time. (Figure 7, reference "DESCRAMBLE")
8. **As per claims 4**, **Markandey** discloses the method for securely transmitting data as applied to claim 1 above. Furthermore **Markandey** discloses the method wherein transmitting the once encrypted data from the computer system to an interface device; and receiving the once encrypted data at the interface device. (figure 7, reference "Transmitter, "DIGITAL DATA LAYER") (As explained above and shown on figure 7, reference "Transmitter, "DIGITAL DATA LAYER" is interpreted by the office as the 1st interface device and receives the once encrypted data or scrambled data as shown on figure 7.)
9. **As per claim 11**, **Markandey** discloses the method for securely transmitting data as applied to claim 1 above. Furthermore **Markandey** discloses the method wherein transmitting the packetized, twice encrypted data comprises transmitting the packetized, twice encrypted data from the interface device. (Figure 7, reference "RECEIVER, "DIGITAL DATA LAYER OF DPS") (The twice encrypted data is transmitted from the "Transmitter" in particular from the "first digital data layer" which is interpreted by the office as the "first interface" to the "RECEIVER" in particular to the "DIGITAL DATA LAYER OF THE RECEIVER" which is interpreted by the office as the second interface device)
10. **As per claim 17**, **Markandey** discloses the method for securely transmitting data as applied to claim 14 above. Furthermore **Markandey** discloses the method wherein receiving packetized, twice encrypted data comprises receiving packetized, twice

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encrypted data at an interface device. (Figure 7, reference "RECEIVER, "DIGITAL DATA LAYER OF DPS") (The twice encrypted data is transmitted from the "Transmitter" in particular from the "first digital data layer" which is interpreted by the office as the "first interface" to the "RECIVER" in particular to the "DIGITAL DATA LAYER OF THE RECIVER" which is interpreted by the office as the second interface device)

11. **As per claims 19**, **Markandey** discloses the method for securely transmitting data as applied to claim 17 above. Furthermore **Markandey** discloses the method wherein transmitting the reconstructed, once decrypted data from the interface device; and receiving the reconstructed, once decrypted data at a computer system. (figure 7, reference "SCRAMBLED DATA" at the Receiver)

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. **Claims 2-3, 10,12-13,15-16, 18, 24, 26, 28-35, 37-45, 47-51, 53-55** are rejected under 35 U.S.C. 103(a) as being unpatentable over Markandey et al. (hereinafter referred to as Markandey) (U.S. Publication No. 2002/0101989 A1) in view of Peirce, Jr. et al. (hereinafter referred to as **Peirce**) (U.S. Patent No. 6,542,992)

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14. **As per claim 42 and 44, Markandey** discloses

- Encrypting the data (Figure 7, reference "SCRAMBLED DATA" shown at "Transmitter");
- Packetizing the data; (figure 7, reference "TRANSMITTER", 1394 DATA PACKING")
- Encrypting the packetized data (Figure 7, reference "ENCRYPT"); and
- Transmitting the packetized, encrypted data from one interface to the other. (figure 7).

Furthermore Markandey introduces the cryptographic techniques which is explained to be used in other communication environment such as cable modems, IP networks, smart cards and others.(Column 8, reference [0099])

Markandey does not explicitly disclose

- Encrypting the data at a data link layer; then encrypting the data at an Internet Protocol layer;
- Transmitting the packetized, encrypted data from one interface to the other using network.

However, in the same field of endeavor, **Peirce** discloses

The method of coordination of encryption and compression for data en route from the host computer to the mobile station between different layers one of which is capable of performing PPP level encryption which is data link layer encryption as explained on the same reference on column 5, lines 27-29) and the other of which is capable of performing IP level or layer encryption.(Column 4, lines 46-52)

Peirce further discloses how the internet is used for communicating two interfaces (figure 2, ref. Num "20")

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to introduce two layers coordination and encryption techniques and using the internet as the method of communicating as per teaching of **Peirce** in to the method of as taught by **Markandey**, in order to avoid unnecessary duplication of encryption at different layers , ensure a more firmly security and provide secure services over the internet.

15. **As per claim 50,** Markandey discloses a method for receiving secure data comprising:

- Receiving the data over a communication link; (Figure 7, reference "RECEIVER")
- Decrypting the packetized, twice encrypted data a first time such that the packetized data is once decrypted; (figure 7, reference "DECRYPT")
- Decrypting the reconstructed, once decrypted data a second time. (Figure 7, reference "DESCRAMBLE")

Markandey does not explicitly disclose

- Decrypting/encrypting the data at a data link layer; and further
- Decrypting/encrypting the decrypted data at an Internet Protocol layer.

However, in the same field of endeavor, **Peirce** discloses

The method of coordination of encryption/decryption for data en route from the host computer to the mobile station between different layers one of which is capable of performing PPP level encryption/decryption which is data link layer encryption as explained on the same reference on column 5, lines 27-29 and the other of which is capable of performing IP lever encryption/decryption.(Column 4, lines 46-52)

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It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to introduce two layers coordination and decryption/encryption techniques as per teachings of **Peirce** in to the method as taught by Markandey, in order to avoid unnecessary duplication of encryption/decryption at different layers and to ensure a more firmly security.

16. **As per Claims 2, 3, 28, 29, 37 and 38** Markandey discloses the method of

- Encrypting the data a first time such that the data is once encrypted; (figure 7, reference "SCRAMBLED DATA" shown at the "Transmitter")
- Encrypting the packetized, once encrypted data a second time such that the data is twice encrypted; (Figure 7, reference "ENCRYPT")

Markandey does not explicitly disclose

Encrypting the data a first time comprises encrypting the data at a data link layer and encrypting the packetized, once encrypted data a second time comprises encrypting the data at an Internet Protocol layer.

However, in the same field of endeavor, **Peirce** discloses

The method of coordination of encryption and compression for data en route from the host computer to the mobile station between different layers one of which is capable of performing PPP level encryption which is data link layer encryption as explained on the same reference on column 5, lines 27-29 and the other of which is capable of performing IP level/layer encryption.(Column 4, lines 46-52)

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to introduce two layers coordination and encryption techniques as per teaching of **Peirce** in to the method of as taught by **Markandey**, in order to avoid unnecessary duplication of encryption at different layers and to ensure a more firmly security.

17. **As per claim 18, 34 and 39**, **Markandey** discloses the method of decrypting the packetized, twice encrypted data a first time such that the packetized data is once decrypted (Figure 7, reference "DECRYPT")

Markandey does not explicitly disclose decrypting the packetized, twice encrypted data a first time comprises decrypting the packetized, twice encrypted at an Internet Protocol layer.

However, in the same field of endeavor, **Peirce** discloses the method of coordination of encryption/decryption and compression/decompression for data en route from the host computer to the mobile station between different layers one of which is capable of performing PPP level /layer encryption/decryption which is data link layer encryption/decryption as explained on the same reference on column 5, lines 27-29, and the other of which is capable of performing IP lever encryption/decryption.(Column 4, lines 46-52)

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to introduce two layers coordination and encryption/decryption techniques as per teaching of **Peirce** in to the method of as taught by **Markandey**, in order to avoid unnecessary duplication of encryption/decryption at different layers and to ensure a more firmly security.

18. **As per claims 24, 35 and 40** **Markandey** discloses the method of Receiving the reconstructed, once decrypted data at the second computer system; (figure 2, ref. Num "17") and decrypting the reconstructed, once decrypted data a second time. (Figure 7, reference "DESCRAMBLE"). **Markandey** does not explicitly disclose decrypting the

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reconstructed, once decrypted data a second time comprises decrypting the reconstructed, once decrypted data at a data link layer.

However, in the same field of endeavor, **Peirce** discloses the method of coordination of encryption/decryption and compression/decompression for data en route from the host computer to the mobile station between different layers one of which is capable of performing PPP level encryption/decryption which is data link layer encryption/decryption as explained on the same reference on column 5, lines 27-29.(Column 4, lines 46-52)

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to introduce two layers coordination and encryption/decryption techniques as per teaching of **Peirce** in to the method of as taught by **Markandey**, in order to avoid unnecessary duplication of encryption/decryption at different layers and to ensure a more firmly security.

19. **As per claims 12,13,15,16, 30-33, 41, 43, 48,49,54 and 55**, Markandey discloses the method of transmitting data using cable modem, TCP /IP network, Internet privacy-Enhanced Mail (PEM), Smart Cards and defence applications (Page 8, reference "[0099]")

Furthermore Markandey discloses

Transmitting the packetized, twice encrypted data from the first interface device to a second interface device; (Figure 7, reference "RECEIVER, "DIGITAL DATA LAYER OF DPS") (The twice encrypted data is transmitted from the "Transmitter" in particular from the "first digital data layer" which is interpreted by the office as the "first interface" to the "RECEIVER" in particular to the

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“DIGITAL DATA LAYER OF THE RECIVER” which is interpreted by the office as the second interface device)

Markandey does not explicitly disclose transmitting the packetized, twice encrypted data comprises transmitting the packetized, twice encrypted data over a network or internet.

However, in the same field of endeavor, **Peirce** discloses the method of communicating two interfaces using internet.(figure 1, ref. Num “20”)

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to create a communication between two interfaces through network/internet as per teachings of **Peirce** in to the method of as taught by **Markandey**, for the function of having a capability to provide services with security over the internet.

20. **As per claims 10, 26, 47 and 53,** the combinations of **Markandey** and **Peirce** discloses the method for securely transmitting data as applied to claims 3, 18, 44 and 50. Furthermore **Peirce** discloses the method wherein data encrypted at an Internet Protocol layer is encrypted using Internet Protocol Security protocols.(Column 4, lines 51-52) (IPSec offers security at the Network layer and the encryption is made to provide security at the network layer and this meets the recitation of the limitation)
21. **As per claims 45** the combinations of **Markandey** and **Peirce** discloses the method for securely transmitting data as applied to claim 44. Furthermore **Markandey** discloses the method comprising the step of packetizing the data. (Figure 7, reference “1394 DATA PACKING”)

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22. As per claims 51, the combinations of **Markandey** and **Peirce** discloses the method for securely transmitting data as applied to claim 50. Furthermore **Markandey** discloses the method further comprising the step of reconstructing the data. (Figure 7, reference "1394 DATA UNPACK")

23. Claims 5-8 and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Markandey et al. (hereinafter referred to as **Markandey**) (U.S. Publication No. 2002/0101989 A1) in view of **Blom**, Martin. (hereinafter referred to as **Blom**) (European Publication, Publication Number EP 0406187 A1)

24. As per claims 5 and 6, **Markandey** discloses the method of transmitting data using the modem.(Page 8, reference "[0099]")

Markandey further discloses transmitting the once encrypted data from the first computer system to a first interface device; (Figure 7, reference "SCRAMBLED DATA" and "DIGITAL DATA") (As shown on figure 7, the "DVD" is first scrambled or encrypted and sent to the device or to the device shown on figure 7 as "DIGITAL DATA LAYER" on the transmitter side which is interpreted by the office as "the first interface device")

Markandey does not explicitly disclose

Transmitting the once encrypted data comprises transmitting the once encrypted data using a modem and the modem is an encrypting modem.

However, in the same field of endeavor, **Blom** discloses modem which has encrypting equipment installed in it, encrypting data and transmitting the data to the telecommunication network. (Column 1, lines 11-25)

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to introduce encryption using modem as per teaching of **Blom**

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in to the method of as taught by **Markandey**, in order to prevent unauthorized tapping of data as data are transmitting through the telecommunication network.

25. **As per claims 7 and 8**, **Markandey** discloses the method of transmitting data using the modem.(Page 8, reference “[0099]”)

Markandey further discloses receiving the once encrypted data at the first interface device; (Figure 7, reference “DIGITAL DATA LAYER OF DPS”) (the once encrypted or scrambled data is received at “the digital data layer” which is interpreted by the office as the first interface.)

Markandey does not explicitly disclose

The method of receiving the once encrypted data comprises receiving the once encrypted data using a modem and the modem is an encrypting modem.

However, in the same field of endeavor, **Blom** discloses modem which has encrypting equipment installed in it, encrypting data and transmitting/receiving data to/from the telecommunication network. (Column 1, lines 11-25; figure 1)

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to introduce encryption using modem as per teachings of **Blom** in to the method of as taught by **Markandey**, in order to prevent unauthorized tapping of data as data are transmitting from the first interface to the second interface.

26. **As per claims 20 -23**, **Markandey** discloses the method of transmitting data using the modem.(Page 8, reference “[0099]”)

Markandey further discloses

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- Decrypting the packetized, twice encrypted data a first time such that the packetized data is once decrypted (Figure 7, reference "DECRYPT")
- Reconstructing the packetized, once decrypted data; (Figure 7, reference "1394 DATA UNPACK")
- Transmitting the reconstructed, once decrypted data from the second interface device to a second computer system; (figure 7, reference "DESCRAMBLED DATA" shown at the "Receiver")

Markandey does not explicitly disclose transmitting the reconstructed, once decrypted data comprises transmitting the reconstructed, once decrypted data using a decrypting modem and receiving the reconstructed, once decrypted data using a decrypting modem.

However, in the same field of endeavor, **Blom** discloses modem which has encrypting equipment and decrypting equipment installed in it, encrypting or decrypting data and transmitting/receiving data to/from communicating devices. (Column 1, lines 11-25; figure 1; column 1, lines 55-column 2, line 2)

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to introduce encryption/decryption using modem as per teaching of **Blom** in to the method of as taught by **Markandey**, in order to prevent unauthorized tapping of data as data are transmitting from the first interface to the second interface and from the second interface to the receiving device.

27. **Claim 9 and 25** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Markandey** et al. (hereinafter referred to as Markandey) (U.S. Publication No. 2002/0101989 A1) in view of **Moberg** et al. (hereinafter referred to as **Moberg**) (U.S. Patent No 6,697,872)

28. **As per claim 9, Markandey discloses** transmitting the packetized, twice encrypted data from the first interface device to a second interface device; (Figure 7, reference "RECEIVER, "DIGITAL DATA LAYER OF DPS") (The twice encrypted data is transmitted from the "Transmitter" in particular from the "first digital data layer" which is interpreted by the office as the "first interface" to the "RECEIVER" in particular to the "DIGITAL DATA LAYER OF THE RECEIVER" which is interpreted by the office as the second interface device)

Markandey does not explicitly disclose transmitting the packetized, twice encrypted data comprises transmitting the packetized, twice encrypted data using a network interface card.

However, in the same field of endeavor, **Moberg** discloses using network interface card when the system includes a source and destination nodes (end systems)(column 1, lines 37-40). **Moberg** further discloses how line cards control the sending and receiving of data packets over the network.(Column 4, lines 43-45)

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to introduce network interface card as per teachings of **Moberg** in to the method of as taught by Markandey, for the purpose of using any device with the interface cards for communicating source and destination nodes.

29. **Claims 46 and 52** are rejected under 35 U.S.C. 103(a) as being unpatentable over Markandey et al. (hereinafter referred to as **Markandey**) (U.S. Publication No. 2002/0101989 A1) in view of Peirce Jr. et al. (hereinafter referred to as **Peirce**) (U.S. Patent No. 6,542,992) further in view of Moberg et al. (hereinafter referred to as **Moberg**) (U.S. Patent No 6,697,872)

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30. **As per claims 46 and 52**, the combination of **Markandey** and **Peirce** discloses the method of transmitting and receiving data as explained on claims 44 and 50 above.

Furthermore **Markandey** discloses

- Transmitting the once encrypted data from the first computer system to a first interface device; (Figure 7, reference "SCRAMBLED DATA" and "DIGITAL DATA LAYER" shown at the Transmitter) (As shown on figure 7, the "DVD" is first scrambled or encrypted and sent to the device or to the device shown on figure 7 as "DIGITAL DATA LAYER" on the transmitter side which is interpreted by the office as "the first interface device")
- Receiving the once encrypted data at the first interface device; (Figure 7, reference "DIGITAL DATA LAYER OF DPS" at the transmitter) (the once encrypted or scrambled data is received at "the digital data layer" which is interpreted by the office as the first interface.)

The combination of **Markandey** and **Peirce** does not explicitly disclose transmitting the data comprises transmitting the data using a network interface card.

However, in the same field of endeavor, **Moberg** discloses using network interface card when the system includes a source and destination nodes (end systems)(column 1, lines 37-40). **Moberg** further discloses how line cards control the sending and receiving of data packets over the network.(Column 4, lines 43-45)

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to introduce network interface card as per teaching of **Moberg** in to the method of as taught by the combination of **Markandey** and **Peirce**, for the purpose of using any device with the interface cards for creating a secure communication link between the source and destination nodes.

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Conclusion

31. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (See PTO-Form 892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is 571-272-3806. The examiner can normally be reached on Monday-Friday (8:00 am---4: 30 pm). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on. The fax phone number for the organization where this application or proceeding is assigned is 571-272-3799. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAMSON LEMMA

S.L

11/22/2004



**THOMAS R. PEESO
PRIMARY EXAMINER**